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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,565	03/17/2004	Young-Nam Kim	IK-0084	1905
34610	7590	05/16/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			ING, MATTHEW W	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,565

Applicant(s)

KIM, YOUNG-NAM

Examiner

Matthew W. Ing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 17 March 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The drawings submitted fail to clearly illustrate the structure of the tilting latch; how its lower end is hingedly assembled with the support frame; and how the latch jaw engages with the stopper pin; as mentioned in Claims 4 and 7. Therefore, these features of the invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the structure of the tilting latch; how its lower end is hingedly assembled with the support frame; and how the latch jaw engages with the stopper pin; as described in page 11, lines 19-24, of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: “A” (see Figure 3); and “104b” (see Figure 4).

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “104bk” (page 13, line 24); and “104” (page 13, line 25).

8. The drawings are objected to because Figure 4 fails to include section lines. Also, none of the other figures include section lines indicating where the cross-section shown in Figure 4 is taken.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

9. The abstract of the disclosure is objected to because of the following informalities: First, the fact that the abstract exceeds 150 words in length; and second, the inclusion of legal phraseology, specifically the word "Disclosed" in page 24, line 3. Correction is required. See MPEP § 608.01(b).

10. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

11. The use of the trademark "Magic Crisper" has been noted in on page 9, line 4 of this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

12. Claim 1 is objected to because of the following informalities: the phrase “at least one guide rail formed on an inner surface of a side wall of the refrigerator body to be engaged with the movable rail and guide movement of the support frame” (page 20, lines 16-18) lacks a comma between the words “rail” and “and”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Regarding Claims 1 and 5, the preambles of said claims, which read as follows, “A drawer type door opening/closing structure of a refrigerator...” implies a type of refrigerator door or drawer. However, the first limitation of each claim reads “a refrigerator body having a storage space formed therein...”, which implies that the claim encompasses the entire refrigerator casing, to include the drawer-type door upon which the claim language subsequently focuses. This language renders these claims indefinite, since it fails to clearly indicate whether or not the claims are directed to a drawer-type refrigerator door, or the entire refrigerator casing of which said door is a component. For the purposes of examination, the examiner is considering the claims to be directed to the entire refrigerator, to include a refrigerator body as part of the claimed structure of the invention.

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16. Claims 1 and 5 recite the limitation “at least one support frame hingedly connected to a rear surface of the door to...allow a storage box for storing an object to be seated behind the door” in page 20, lines 11-14, and pages 21-22, lines 25 and 1-3, respectively. This language renders these claims indefinite, since it fails to clearly indicate whether or not the storage box is part of the claimed invention. For the purposes of examination, the examiner is interpreting this limitation to mean that the storage box is not part of the claimed invention.

17. Claim 6 recites the limitation "...the guide rail is engaged with the...guide movement of the support frame" in page 22, lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

18. Claims 2-4 and 6-9 are considered indefinite because they depend from indefinite base claims.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

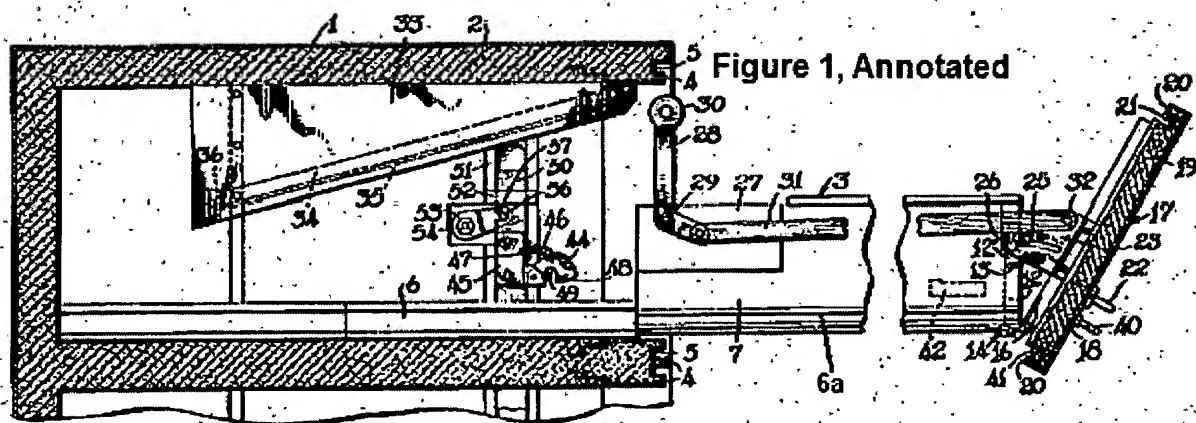
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20. Claims 1-2 and 5-7 rejected under 35 U.S.C. 102(b) as being anticipated by Watkins (2,116,370). Regarding Claim 1, Watkins teaches a structure comprising: a refrigerator body (1) having a storage space formed therein (see Figure 1); a door (17) for selectively opening and closing the storage space in the refrigerator body, the door being drawn out and pushed into the refrigerator body in a manner in which a drawer is moved, the door being capable of being pivoted about a lower end of the door (see Figure 1); at least one support frame (7) hingedly

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connected (16) to a rear surface of the door to allow the door to pivot about the lower end of the door and inherently capable of having a storage box for storing an object to be seated behind the door (see Figure 1); at least one movable rail (Item 6a of Figure 1, Annotated) formed on the support frame; at least one guide rail (6) formed on an inner surface of a side wall of the refrigerator body to be engaged with the movable rail and guide movement of the support frame (see column 2, lines 3-4); and at least one cover bracket (23) protruding backward from the rear surface of the door to cover a gap between the support frame and the rear surface of the door.

Regarding the limitation “allow a storage box for storing an object to be seated behind the door” (page 20 of the application, lines 13-14), the examiner points out that the drawer-type door in the structure of Watkins is inherently capable of allowing an appropriately-size storage box to be seated behind the door. The examiner also points out that the phrase “refrigerator body” can encompass any insulated structure that is capable of holding items typically stored in refrigerators (e.g., meats, fruits, vegetables, eggs, frozen dinners, etc.).



21. Regarding claim 2, in the structure of Watkins, the cover bracket (23) is located outside of the support frame (7) when the door stands upright. See Figures 2-3.

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22. Regarding claim 5, the structure of Watkins comprises a refrigerator body (1) having at least one storage space formed therein (see Figure 1); a door (17) for selectively opening and closing the storage space in the refrigerator body, the door being drawn out and pushed into the refrigerator body in a manner in which a drawer is moved, the door being capable of being pivoted about a lower end of the door (see Figure 1); at least one support frame (7) hingedly connected (16) to a rear surface of the door to allow the door to pivot about the lower end of the door and allow a storage box for storing an object to be seated behind the door (see Figure 1); and at least one cover bracket (23) protruding backward from the rear surface of the door to cover a gap between the support frame and the rear surface of the door. Regarding the limitation “allow a storage box for storing an object to be seated behind the door” (page 22, lines 2-3), the examiner points out that the drawer-type door in the structure of Watkins is inherently capable of allowing an appropriately-size storage box to be seated behind the door.

23. Regarding claim 6, the structure of Watkins includes at least one movable rail formed on the support frame (Item 6a of Figure 1, Annotated); and at least one guide rail (6) formed on an inner surface of a side wall of the refrigerator body, wherein the guide rail is engaged with the movable rail and guide movement of the support frame (see column 2, lines 3-4).

24. Regarding claim 7, in the structure of Watkins, the cover bracket (23) is located outside of the support frame (7) when the door stands upright. See Figures 2-3.

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The claims can be alternately rejected as follows:

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

27. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meek (2,711,944) in view of Watkins (2,116,370). Meek teaches the structure substantially as claimed above, including refrigerator body (10) having a storage space formed therein; a door (25) for selectively opening and closing the storage space in the refrigerator body, the door being drawn out and pushed into the refrigerator body in a manner in which a drawer is moved (see Figure 2); at least one support frame (31) that is inherently capable of having a storage box for storing an object to be seated behind the door (see Figure 2); at least one movable rail (80) formed on the support frame; and at least one guide rail (63) formed on an inner surface of a side wall of the refrigerator body to be engaged with the movable rail and guide movement of the support frame (see Figure 4); the only difference being, Meek fails to teach a door being capable of being

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pivoted about a lower end of said door; at least one support frame hingedly connected to a rear surface of the door to allow the door to pivot about the lower end of said door; or at least one cover bracket protruding backward from the rear surface of the door to cover a gap between the support frame and the rear surface of the door, wherein said cover bracket is located outside of the support frame when the door stands upright. Watkins, however, teaches a door (17) capable of being pivoted about a lower end of the door (see Figure 1); at least one support frame (7) hingedly connected (16) to a rear surface of the door to allow the door to pivot about the lower end of the door (see Figure 1); and at least one cover bracket (23) protruding backward from the rear surface of the door to cover a gap between the support frame and the rear surface of the door, wherein said cover bracket is located outside of the support frame when the door stands upright (see Figures 2-3). It would have been obvious to one of ordinary skill in the art to replace the door in the structure of Meek with the pivoting door taught by Watkins in order to allow objects to be more easily positioned within, and removed from the refrigerator, thereby providing the structure substantially as claimed.

28. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meek (2,711,944) in view of Watkins (2,116,370) and Jenkins (5,487,239). Meek and Watkins teach the structure substantially as claimed above, including a drawer-type refrigerator door wherein said door is capable of being pivoted about the lower end of said door, the only difference being Meek and Watkins fail to teach a door basket for storing an object, said door basket being disposed at an upper portion of the rear surface of the refrigerator door. Jenkins, however, teaches the inclusion of a door basket (46) for storing an object, said door basket being disposed at an upper portion of the rear surface of the refrigerator door. It would have been obvious to

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one of ordinary skill in the art to incorporate the door basket of Jenkins into the door of the structure of Meek as modified by Watkins in order to provide a space for storing butter or eggs, thereby providing the structure substantially as claimed.

29. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meek (2,711,944) in view of Watkins (2,116,370) and Kylo (2,775,501). Meek and Watkins teach the structure substantially as claimed above, including tilting latch (see Items 25 and 26 of Watkins), the only difference being, Meek and Watkins fail to teach the use of a tilting latch meeting the limitations of these claims. Kylo, however, teaches a tilting latch (38) formed at one side of the rear surface of the door (22), the tilting latch having a lower end (40) hingedly assembled (34) with the support frame (20), the tilting latch having a latch jaw (42) and the support frame having a stopper pin (36), wherein the latch jaw and the stopper pin can be engaged with each other to limit a range within which the door can be pivoted (see Figures 2 and 5). It would have been obvious to one of ordinary skill in the art to replace the tilting latch in the structure of Meek as modified by Watkins with the tilting latch taught by Kylo in order to provide increased structural reinforcement for the latching mechanism, thereby providing the structure substantially as claimed.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baker (6,055,823) and Reed (6,935,712) teach the inclusion of door baskets in the upper portion of a refrigerator door. Tovar (5,947,573), Kahn (2,132,737), Straubel (2,648,585), and Root (3,105,977) teach drawers with pivoting front ends. Banicevic (2002/0153816),

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Wilkins (5,040,856), Kawahara (4,751,826), Koons (6,971,730), and Kaiser (6,641,239) teach the use of drawer-type doors on refrigerators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Ing whose telephone number is (571) 272-6536.

The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/13/06

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

